

Judge McMahon

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - :
UNITED STATES OF AMERICA :
: **-v-**
: MUTHOLIB SANI,
: a/k/a "K," and
FRANCIA TABARES,
: a/k/a "Monica," :
Defendants. :
- - - - - x

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: OCT 29 2007
DATE FILED:

INDICTMENT

07 CRIM 999

COUNT ONE

The Grand Jury charges:

1. From in or about May 2007, through and including on or about July 16, 2007, MUTHOLIB SANI, a/k/a "K," and FRANCIA TABARES, a/k/a "Monica," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MUTHOLIB SANI, a/k/a "K," and FRANCIA TABARES, a/k/a "Monica," the defendants, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

Overt Acts

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about July 16, 2007, MUTHOLIB SANNA, a/k/a "K," and FRANCIA TABARES, a/k/a "Monica," the defendants, traveled in a car with approximately \$97,000 in cash.

(Title 21, United States Code, Section 846.)

Forfeiture Allegation as to Count One

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, MUTHOLIB SANNA, a/k/a "K," and FRANCIA TABARES, a/k/a "Monica," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of said violation.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of MUTHOLIB SANNA, a/k/a "K," and FRANCIA TABARES, a/k/a "Monica," the defendants:

a. cannot be located upon the exercise of due

diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of MUTHOLIB SANNI, a/k/a "K," and FRANCIA TABARES, a/k/a "Monica," the defendants, up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853.)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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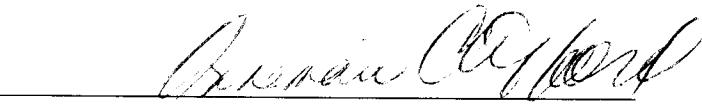
INDICTMENT

07 CR ____

(Title 21, United States Code, Section 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL



Foreperson.

10-29-07 D.I.C. : Post 11/11/87 indictment filed
Assigned to Judge McMahon
Peck, M.J.